

STATE OF KANSAS  
KANSAS DEPARTMENT ON AGING

**NOTICE OF PUBLIC HEARING ON PROPOSED ADMINISTRATIVE REGULATION**

A public hearing will be conducted on Tuesday, September 13, 2011 at 9:00 a.m. in the Kansas Department on Aging's Office, 503 S. Kansas Ave., Topeka, to consider the adoption of a proposed regulation of the Kansas Department on Aging (KDOA) on a permanent basis.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulation. All interested parties may submit written comments prior to the hearing to Patsy Samson, Policy Analyst, Kansas Department on Aging, 500 S. Kansas, Topeka, 66603 or by e-mail to [Patsy.Samson@aging.ks.gov](mailto:Patsy.Samson@aging.ks.gov). All interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed regulation during the public hearing. In order to provide all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request an accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Patsy Samson at (785) 296-0378 or TTY (785) 291-3167. Handicapped parking is located on the east side of the New England Building's entrance on Kansas Avenue.

A copy of the proposed regulation and the Economic Impact Statement can be viewed at the following website: <http://www.agingkansas.org/index.htm>. The proposed regulation, a brief summary, and the economic impact are as follows:

**K.A.R. 26-42-103 – Staff Development.** This regulation specifies minimum in-service orientation and education requirements for home plus staff. If a home plus admits residents with dementia, requirements include education on the treatment and appropriate response to persons who exhibit behaviors associated with dementia.

**Economic Impact Summary:** This regulation is expected to have minimal economic impact as most of the required orientation and in-service education topics are already required by existing rules and regulations. Homes plus electing to accept residents with dementia may have additional costs associated with dementia-specific training if not already provided. Assuming 100% of homes plus statewide provide dementia training, it is estimated the cost will be \$35,400 annually.

26-42-103. Staff development. (a) The administrator or operator of each home plus shall ensure the provision of orientation to new employees and regular in-service education for all employees to ensure that the services provided assist residents to attain and maintain their individuality, autonomy, dignity, independence, and ability to make choices in a home environment.

(b) The topics for orientation and in-service education shall include the following:

- (1) Fire prevention and safety;
- (2) disaster procedures;
- (3) accident prevention;
- (4) resident rights;
- (5) infection control; and
- (6) prevention of abuse, neglect, and exploitation of residents.

(c) If the home plus admits residents with dementia, the administrator or operator shall ensure the provision of staff education, at orientation and at least annually thereafter, on the treatment and appropriate response to persons who exhibit behaviors associated with dementia.

(Authorized by and implementing K.S.A. 39-932; effective P-\_\_\_\_\_.)

Date: June 27, 2011

Kansas Department on Aging  
Economic Impact Statement

Pursuant to the requirements of K.S.A. 77-416, the Kansas Department on Aging submits the following Economic Impact Statement:

**I. Summary of Proposed Regulation(s), Including Purpose:**

**K.A.R. 26-42-103 - Staff Development.** This regulation specifies minimum in-service orientation and education requirements for home plus staff. If a home plus admits residents with dementia, requirements include education at least annually on the treatment and appropriate response to persons who exhibit behaviors associated with dementia.

**II. Reason or Reasons the Proposed Regulation is Required, Including Whether or Not the Regulation is Mandated by Federal Law:**

This regulation is not mandated by federal law. Rather, it was developed based on House Bill 2147 signed by Governor Brownback on May 12, 2011. Paragraph (a)(7) requires that "Personnel of any home plus who provide services for residents with dementia shall be required to take annual dementia care training." The other topics for orientation and in-service education included in this regulation are a composite of current requirements.

**III. Anticipated Economic Impact Upon the Following:**

**a. Kansas Department on Aging:**

Costs to the agency, other than staff time, will include publication in the *Kansas Register* and revision of provider manuals.

**b. Other Governmental Agencies:**

In addition to KDOA, the Department of Administration, the Attorney General, the Kansas Legislature (through the Joint Committee on Rules and Regulations and the Legislative Research Department), and the Secretary of State shall bear the costs associated with the adoption of these regulations.

**c. Private Business or Individuals:**

The agency completed a cost analysis for staff training and have determined that the annual cost per employee for dementia education is approximately \$38.73 per 3-hour session. All other orientation and in-service education requirements are included in current rules and regulations.

According to the Home Plus Semi-annual Staffing Report for July 1 through December 31, 2010, there were 914 home plus staff statewide. Assuming all homes plus admit residents with dementia and all 914 staff receive training, the total cost would be \$35,400 annually. However, this regulation is expected to have minimal economic impact on private business or individuals as agency staff believe that any home plus currently admitting residents with dementia would already be providing staff with the necessary education and training to care for these residents.

**d. Kansas Association of School Boards:**

None

**IV. Less Costly or Intrusive Methods That Were Considered, but Rejected, and the Reason for Rejection:**

None